

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 801

By: Smalley

6 AS INTRODUCED

7 An Act relating to the Oklahoma Nursing Practice Act;  
8 amending 59 O.S. 2011, Section 567.3a, as amended by  
9 Section 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp.  
10 2018, Section 567.3a), which relates to definitions;  
11 modifying authority of Certified Registered Nurse  
12 Anesthetists to administer anesthesia and controlled  
13 substances; updating statutory reference; and  
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 59 O.S. 2011, Section 567.3a, as  
17 amended by Section 1, Chapter 281, O.S.L. 2017 (59 O.S. Supp. 2018,  
18 Section 567.3a), is amended to read as follows:

19 Section 567.3a. As used in the Oklahoma Nursing Practice Act:

20 1. "Board" means the Oklahoma Board of Nursing;

21 2. "The practice of nursing" means the performance of services  
22 provided for purposes of nursing diagnosis and treatment of human  
23 responses to actual or potential health problems consistent with  
24 educational preparation. Knowledge and skill are the basis for  
assessment, analysis, planning, intervention, and evaluation used in  
the promotion and maintenance of health and nursing management of

1 illness, injury, infirmity, restoration or optimal function, or  
2 death with dignity. Practice is based on understanding the human  
3 condition across the human lifespan and understanding the  
4 relationship of the individual within the environment. This  
5 practice includes execution of the medical regime including the  
6 administration of medications and treatments prescribed by any  
7 person authorized by state law to so prescribe;

8 3. "Registered nursing" means the practice of the full scope of  
9 nursing which includes, but is not limited to:

- 10 a. assessing the health status of individuals, families  
11 and groups,
- 12 b. analyzing assessment data to determine nursing care  
13 needs,
- 14 c. establishing goals to meet identified health care  
15 needs,
- 16 d. planning a strategy of care,
- 17 e. establishing priorities of nursing intervention to  
18 implement the strategy of care,
- 19 f. implementing the strategy of care,
- 20 g. delegating such tasks as may safely be performed by  
21 others, consistent with educational preparation and  
22 that do not conflict with the provisions of the  
23 Oklahoma Nursing Practice Act,

- h. providing safe and effective nursing care rendered directly or indirectly,
- i. evaluating responses to interventions,
- j. teaching the principles and practice of nursing,
- k. managing and supervising the practice of nursing,
- l. collaborating with other health professionals in the management of health care,
- m. performing additional nursing functions in accordance with knowledge and skills acquired beyond basic nursing preparation, and
- n. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

4. "Licensed practical nursing" means the practice of nursing under the supervision or direction of a registered nurse, licensed physician or dentist. This directed scope of nursing practice includes, but is not limited to:

- a. contributing to the assessment of the health status of individuals and groups,
- b. participating in the development and modification of the plan of care,
- c. implementing the appropriate aspects of the plan of care,

- d. delegating such tasks as may safely be performed by others, consistent with educational preparation and that do not conflict with the Oklahoma Nursing Practice Act,
- e. providing safe and effective nursing care rendered directly or indirectly,
- f. participating in the evaluation of responses to interventions,
- g. teaching basic nursing skills and related principles,
- h. performing additional nursing procedures in accordance with knowledge and skills acquired through education beyond nursing preparation, and
- i. delegating those nursing tasks as defined in the rules of the Board that may be performed by an advanced unlicensed assistive person;

5. "Advanced Practice Registered Nurse" means a licensed

Registered Nurse:

- a. who has completed an advanced practice registered nursing education program in preparation for one of four recognized advanced practice registered nurse roles,
- b. who has passed a national certification examination recognized by the Board that measures the advanced practice registered nurse role and specialty

1                   competencies and who maintains recertification in the  
2                   role and specialty through a national certification  
3                   program,

4                   c. who has acquired advanced clinical knowledge and  
5                   skills in preparation for providing both direct and  
6                   indirect care to patients; however, the defining  
7                   factor for all Advanced Practice Registered Nurses is  
8                   that a significant component of the education and  
9                   practice focuses on direct care of individuals,

10                  d. whose practice builds on the competencies of  
11                  Registered Nurses by demonstrating a greater depth and  
12                  breadth of knowledge, a greater synthesis of data, and  
13                  increased complexity of skills and interventions, and

14                  e. who has obtained a license as an Advanced Practice  
15                  Registered Nurse in one of the following roles:

16                   Certified Registered Nurse Anesthetist, Certified  
17                   Nurse-Midwife, Clinical Nurse Specialist, or Certified  
18                   Nurse Practitioner.

19                  Only those persons who hold a license to practice advanced  
20                  practice registered nursing in this state shall have the right to  
21                  use the title "Advanced Practice Registered Nurse" and to use the  
22                  abbreviation "APRN". Only those persons who have obtained a license  
23                  in the following disciplines shall have the right to fulfill the  
24                  roles and use the applicable titles: Certified Registered Nurse

1 Anesthetist and the abbreviation "CRNA", Certified Nurse-Midwife and  
2 the abbreviation "CNM", Clinical Nurse Specialist and the  
3 abbreviation "CNS", and Certified Nurse Practitioner and the  
4 abbreviation "CNP".

5 It shall be unlawful for any person to assume the role or use  
6 the title Advanced Practice Registered Nurse or use the abbreviation  
7 "APRN" or use the respective specialty role titles and abbreviations  
8 or to use any other titles or abbreviations that would reasonably  
9 lead a person to believe the user is an Advanced Practice Registered  
10 Nurse, unless permitted by ~~this act~~ the Oklahoma Nursing Practice  
11 Act. Any individual doing so shall be guilty of a misdemeanor,  
12 which shall be punishable, upon conviction, by imprisonment in the  
13 county jail for not more than one (1) year or by a fine of not less  
14 than One Hundred Dollars (\$100.00) nor more than One Thousand  
15 Dollars (\$1,000.00), or by both such imprisonment and fine for each  
16 offense;

17 6. "Certified Nurse Practitioner" is an Advanced Practice  
18 Registered Nurse who performs in an expanded role in the delivery of  
19 health care:

20 a. consistent with advanced educational preparation as a  
21 Certified Nurse Practitioner in an area of specialty,  
22 b. functions within the Certified Nurse Practitioner  
23 scope of practice for the selected area of  
24 specialization, and

- c. is in accord with the standards for Certified Nurse Practitioners as identified by the certifying body and approved by the Board.

4       A Certified Nurse Practitioner shall be eligible, in accordance  
5 with the scope of practice of the Certified Nurse Practitioner, to  
6 obtain recognition as authorized by the Board to prescribe, as  
7 defined by the rules promulgated by the Board pursuant to this  
8 section and subject to the medical direction of a supervising  
9 physician. This authorization shall not include dispensing drugs,  
10 but shall not preclude, subject to federal regulations, the receipt  
11 of, the signing for, or the dispensing of professional samples to  
12 patients.

13        The Certified Nurse Practitioner accepts responsibility,  
14 accountability, and obligation to practice in accordance with usual  
15 and customary advanced practice registered nursing standards and  
16 functions as defined by the scope of practice/role definition  
17 statements for the Certified Nurse Practitioner;

20 (1) a master's degree or higher in nursing with  
21 clinical specialization preparation to function  
22 in an expanded role,  
23 (2) specialty certification from a national  
24 certifying organization recognized by the Board.

- (3) an Advanced Practice Registered Nurse license from the Board, and
- (4) any nurse holding a specialty certification as a Clinical Nurse Specialist valid on January 1, 1994, granted by a national certifying organization recognized by the Board, shall be deemed to be a Clinical Nurse Specialist under the provisions of the Oklahoma Nursing Practice Act.

b. In the expanded role, the Clinical Nurse Specialist performs at an advanced practice level which shall include, but not be limited to:

- (1) practicing as an expert clinician in the provision of direct nursing care to a selected population of patients or clients in any setting, including private practice,
- (2) managing the care of patients or clients with complex nursing problems,
- (3) enhancing patient or client care by integrating the competencies of clinical practice, education, consultation, and research, and
- (4) referring patients or clients to other services.

c. A Clinical Nurse Specialist in accordance with the scope of practice of such Clinical Nurse Specialist

1                   shall be eligible to obtain recognition as authorized  
2                   by the Board to prescribe, as defined by the rules  
3                   promulgated by the Board pursuant to this section, and  
4                   subject to the medical direction of a supervising  
5                   physician. This authorization shall not include  
6                   dispensing drugs, but shall not preclude, subject to  
7                   federal regulations, the receipt of, the signing for,  
8                   or the dispensing of professional samples to patients.

9                   d. The Clinical Nurse Specialist accepts responsibility,  
10                   accountability, and obligation to practice in  
11                   accordance with usual and customary advanced practice  
12                   nursing standards and functions as defined by the  
13                   scope of practice/role definition statements for the  
14                   Clinical Nurse Specialist;

15                   8. "Nurse-Midwife" is a nurse who has received an Advanced  
16                   Practice Registered Nurse license from the Oklahoma Board of Nursing  
17                   who possesses evidence of certification according to the  
18                   requirements of the American College of Nurse-Midwives.

19                   A Certified Nurse-Midwife in accordance with the scope of  
20                   practice of such Certified Nurse-Midwife shall be eligible to obtain  
21                   recognition as authorized by the Board to prescribe, as defined by  
22                   the rules promulgated by the Board pursuant to this section and  
23                   subject to the medical direction of a supervising physician. This  
24                   authorization shall not include the dispensing of drugs, but shall

1 not preclude, subject to federal regulations, the receipt of, the  
2 signing for, or the dispensing of professional samples to patients.

3 The Certified Nurse-Midwife accepts responsibility,  
4 accountability, and obligation to practice in accordance with usual  
5 and customary advanced practice registered nursing standards and  
6 functions as defined by the scope of practice/role definition  
7 statements for the Certified Nurse-Midwife;

8 9. "Nurse-midwifery practice" means providing management of  
care of normal newborns and women, antepartally, intrapartally,  
10 postpartally and gynecologically, occurring within a health care  
system which provides for medical consultation, medical management  
11 or referral, and is in accord with the standards for nurse-midwifery  
12 practice as defined by the American College of Nurse-Midwives;

13 14. a. "Certified Registered Nurse Anesthetist" is an  
15 Advanced Practice Registered Nurse who:

16 (1) is certified by the National Board of  
17 Certification and Recertification for Nurse  
18 Anesthetists as a Certified Registered Nurse  
19 Anesthetist within one (1) year following  
20 completion of an approved certified registered  
21 nurse anesthetist education program, and  
22 continues to maintain such recertification by the  
23 National Board of Certification and  
24 Recertification for Nurse Anesthetists, and

(2) administers anesthesia under the supervision of  
in collaboration with a medical doctor, an  
osteopathic physician, a podiatric physician or a  
dentist licensed in this state and under  
conditions in which timely onsite consultation by  
such doctor, osteopath, podiatric physician or  
dentist is available.

b. A Certified Registered Nurse Anesthetist, under the supervision of in collaboration with a medical doctor, osteopathic physician, podiatric physician or dentist licensed in this state, and under conditions in which timely, on-site consultation by such medical doctor, osteopathic physician, podiatric physician or dentist is available, shall be authorized, pursuant to rules adopted by the Oklahoma Board of Nursing, to order, select, obtain and administer legend drugs, Schedules II through V controlled substances, devices, and medical gases only when engaged in the preanesthetic preparation and evaluation; anesthesia induction, maintenance and emergence; and postanesthesia care. A Certified Registered Nurse Anesthetist may order, select, obtain and administer drugs only during the perioperative or periobstetrical period.

c. A Certified Registered Nurse Anesthetist who applies for authorization to order, select, obtain and administer drugs shall:

(1) be currently recognized as a Certified Registered Nurse Anesthetist in this state,

(2) provide evidence of completion, within the two-year period immediately preceding the date of

application, of a minimum of fifteen (15) units

of continuing education in advanced pharmacology related to the administration of anesthesia as

recognized by the National Board of Certification.

and Recertification for Nurse Anesthetists, and

(3) complete and submit a notarized application, on a form prescribed by the Board, accompanied by the application fee established pursuant to this section.

d. The authority to order, select, obtain and administer drugs shall be terminated if a Certified Registered Nurse Anesthetist has:

(1) ordered, selected, obtained or administered drugs outside of the Certified Registered Nurse

Anesthetist scope of practice or ordered,

selected, obtained or administered drugs for

other than therapeutic purposes, or

(2) violated any provision of state laws or rules or federal laws or regulations pertaining to the practice of nursing or the authority to order, select, obtain and administer drugs.

e. The Oklahoma Board of Nursing shall notify the Board of Pharmacy after termination of or a change in the authority to order, select, obtain and administer drugs for a Certified Registered Nurse Anesthetist.

f. The Board shall provide by rule for biennial application renewal and reauthorization of authority to order, select, obtain and administer drugs for Certified Registered Nurse Anesthetists. At the time of application renewal, a Certified Registered Nurse Anesthetist shall submit documentation of a minimum of eight (8) units of continuing education, completed during the previous two (2) years, in advanced pharmacology relating to the administration of anesthesia, as recognized by the Council on Recertification of Nurse Anesthetists or the Council on Certification of Nurse Anesthetists.

g. This paragraph shall not prohibit the administration of local or topical anesthetics as now permitted by law. Provided further, nothing in this paragraph shall limit the authority of the Board of Dentistry to

establish the qualifications for dentists who direct the administration of anesthesia;

11. "Supervising physician" means an individual holding a current license to practice as a physician from the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners, who supervises a Certified Nurse Practitioner, a Clinical Nurse Specialist, or a Certified Nurse-Midwife, and who is not in training as an intern, resident, or fellow. To be eligible to supervise such Advanced Practice Registered Nurse, such physician shall remain in compliance with the rules promulgated by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners;

12. "Supervision of an Advanced Practice Registered Nurse with prescriptive authority" means overseeing and accepting responsibility for the ordering and transmission by a Certified Nurse Practitioner, a Clinical Nurse Specialist, or a Certified Nurse-Midwife of written, telephonic, electronic or oral prescriptions for drugs and other medical supplies, subject to a defined formulary; and

13. "Advanced Unlicensed Assistant" means any person who has successfully completed a certified training program approved by the Board that trains the Advanced Unlicensed Assistant to perform specified technical skills identified by the Board in acute care

1 settings under the direction and supervision of the Registered Nurse  
2 or Licensed Practical Nurse.

3 SECTION 2. This act shall become effective November 1, 2019.

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